IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1323 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MEHULBHAIJAGDISHBHAIPATEL - Applicant(s)

Versus

STATEOFGUJARAT & 1 - Respondent(s)

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Appearance :

MR FB BRAHMBHATT for Applicant(s) : 1,
MR HL JANI, APP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 03/10/2005

ORAL JUDGMENT

1. The petitioner has filed this petition under Articles 226 and 227 of the Constitution of India,

praying for quashing and setting aside the order dated 20.9.2005 passed by the learned Additional Sessions Judge, Fast Track Court, Anand, in Misc. Criminal Application No.419/2005 and has further prayed for the direction to Investigating Officer, to hand over the passport of the petitioner which was deposited by the petitioner in connection with the CR No.4/2005 in pursuance of the conditions imposed by the learned Sessions Judge on the petitioner in the proceedings of Criminal Misc. Application No.318/2005 as well as the Criminal Misc. Application No.407/2005 and has further sought permission of this Court to permit the petitioner to go abroad for the period from 10.10.2005 to 10.11.2005, by imposing suitable conditions on the petitioner.

2. This Court has issued Rule on 29.9.2005. Pursuant to the issuance of Rule Mr.Niral Mehta, learned advocate appeared for the respondent No.2. Mr.F.B.Brahmbhatt the learned advocate appearing for the petitioner has submitted that the complaint

was filed by the Provident Fund authority and on the date of filing of the complaint the entire dues of the Provident Fund Department have been paid by the petitioner. A letter dated 30.9.2005 issued by the Provident Fund authority is produced on record. Since the entire dues of the Provident Fund Department have been paid, there would not be any objection in releasing the passport to the petitioner for the purpose of undertaking business tour of America.

3. Considering the above facts and circumstances of the case and after having heard the learned advocates for the respective parties and learned APP appearing for the State, the Court directs the Investigating Officer to release the passport of the petitioner on the condition that the petitioner will redeposit the said passport immediately on return from America. In any case the said passport will have to be redeposited with the Investigating Officer on or before 12.11.2005. It is made clear that the passport will be redeposited as directed

above, otherwise it would amount to breach of condition of bail and necessary action will be taken against the petitioner.

4. Since no other issue is involved in the present petition, this petition is accordingly disposed off with the aforesaid directions. Rule is made absolute. Direct service is permitted.

kks (K. A. PUJ, J.)